IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 12249 of 2006

Dated 26th June, 2006

Between

B.Pushyami ….Petitioner

And

The Principal Secretary, Medical & Health Services,
Govt. of AP, Hyderabad and ors.

…..Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12249 of 2006

ORDER:

This Writ Petition is filed seeking direction by way of Writ of Mandamus, to call for the answer script of the petitioner relating to subject of 'Physiotherapy for Neurology', in Bachelor of Physiotherapy VIII Semester degree examination, held in the month of December,2005.

The petitioner has joined in the course of Physiotherapy for the academic year 2001-2002 in Swatantra Institute of Physiotherapy & Rehabilitation, at Rajahmundry, East Godavari District. It is the case of the petitioner that she has appeared in all

the semester examinations and secured second division marks. On the ground that proper marks have not been awarded with reference to subject of 'Physiotherapy for Neurology,' for which, examination was held in the month of December, 2005, the petitioner has filed this Writ petition to call for the answer script and to direct for award of proper marks. Precisely it is the case of the petitioner, that though she has correctly answered certain questions in the subject referred above, but however, examiner has not awarded proper marks.

When the matter has come up earlier, it was adjourned at the request of the learned Standing Counsel appearing for the respondent-University. On instructions, it is submitted by the learned Standing Counsel appearing for the respondent-University that in the subject of 'Physiotherapy for Neurology', which is a subject in VIII Semester examination, marks of 200 are divided to, theory, practical and oral. It is stated that the petitioner secured only 31 out of 100 in theory, where as qualifying mark is 40, 50 out of 75 in practical and 10 out of 25 in oral. It is submitted that altogether, the petitioner has secured 91 out of 200, whereas qualifying mark is 100. It is submitted that the petitioner has applied for re-totalling, which request was acceded and the petitioner has identified her answer script on 2-5-2006 and re-totalling was done by two examiners and it was found to be correct. Further, it is stated that even the examiners thoroughly verified the answer script and no change of marks has been found.

Except her own assessment with regard to the correctness of the answers, there is no other basis for filing this Writ petition.

Students' assessment with regard to correctness of answer is not relevant factor for award of marks. It is ultimately for the examiner to value the paper and award marks. Further, it is also brought to my notice that there is no provision in the academic regulations for revaluation of the answer scripts. It is fairly well settled that in absence of any provision for revaluation in the academic regulations, merely because student did not get marks as per his/her assessment is no ground either to order for revaluation or to call for the answer scrip by this court in exercise of powers under Article 226 of the Constitution of India. In that view of the matter, I do not find any valid ground for grant of relief as prayed for.

The Writ Petition is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 26-06-2006
Msnr.

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